

**ENTERED**

March 30, 2021

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

*IN RE*: INTERCONTINENTAL TERMINALS § Lead Case No. 4:19-cv-01460  
 COMPANY LLC DEER PARK FIRE §  
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**ORDER ADOPTING REPORT AND RECOMMENDATION**

This matter was referred to United States Magistrate Judge Dena Palermo to conduct all pretrial proceedings pursuant to 28 U.S.C. § 636. ECF No. 112. Pending before the Judge Palermo were the following motions: (1) Plaintiff Kirby Inland Marine, LP's ("Kirby") motion to remand, ECF No. 469; (2) the motion to remand filed by Plaintiffs Alice Romo, Kristen Faz, Maria Gomez Mejia, and Jennifer Pedroza (the "Romo Plaintiffs"), ECF No. 468; (3) the motion to remand filed by Plaintiffs Jonathan Hershberger, Letty Hershberger, Javier Sanchez, Gracie Sanchez, Chris Espitia, Bobbi Espitia, Robert Fletcher, and Maria Fletcher (the "Hershberger Plaintiffs"), ECF No. 508; (4) Plaintiff Garry Dillard's "Agreed Motion to Incorporate the Arguments Presented by Plaintiffs Romo et al. and Total Petrochemicals & Refining et al.'s Motions to Remand," ECF No. 485; and (5) the "Agreed Motion to Incorporate the Arguments Presented by Plaintiffs Romo et al. and Total Petrochemicals & Refining et al.'s Motions to Remand" filed by Plaintiffs Irma Bocard, Robert Cherry, Joyce Davis, Melvin Foreman, Jr., Ellen Lewis, Carolyn Watson-McKinney, Samuel Dean Piver, Suzanne Vallier, and Tiant Williams (the "Bocard Plaintiffs"), ECF No. 404. On March 22, 2021, Judge Palermo filed a Report and Recommendation ("R&R"), recommending that the Plaintiffs' motions to remand be

denied, and that Intercontinental Terminals Management Company (“ITMC”), CIMA Services, LP (“CIMA”), and Instrumentation & Electrical Specialist, L.L.C. (“IES”) be dismissed without prejudice as they were improperly joined.

Since no objections were filed, the Court reviews the R&R for clear error. The Court finds that the R&R is well founded and that it should be adopted. Accordingly, it is ORDERED that:

1. Plaintiffs objections to the R&R are OVERRULED.
2. The R&R is ADOPTED in its entirety as the holding of the Court.
3. Plaintiff Kirby’s motion to remand, ECF No. 469, is DENIED;
4. The Romo Plaintiffs’ motion to remand, ECF No. 468, is DENIED;
5. The Hershberger Plaintiffs’ motion to remand, ECF No. 508 is DENIED;
6. Plaintiff Dillard’s motion to remand, ECF No. 485, is DENIED;
7. The Bocard Plaintiffs’ motion to remand, ECF No. 404, is DENIED; and
8. Defendants Intercontinental Terminals Management Company (“ITMC”), CIMA Services, LP (“CIMA”), and Instrumentation & Electrical Specialist, L.L.C. (“IES”) are DISMISSED WITHOUT PREJUDICE from these proceedings.

It is so ORDERED.

SIGNED on this 29<sup>th</sup> day of March, 2021.

A handwritten signature in black ink, appearing to read "Kenneth M. Hoyt", written over a horizontal line.

Kenneth M. Hoyt  
United States District Judge